

SMOKING BAN IN MOTOR VEHICLE

2008 GENERAL SESSION

STATE OF UTAH

LONG TITLE**General Description:**

This bill modifies the Motor Vehicles Code by enacting a restriction on smoking in a vehicle when a child is present.

Highlighted Provisions:

This bill:

- ▶ prohibits a person from smoking in a vehicle if a child that is less than five years of age is restrained or is required to be restrained in a child restraint device in the vehicle;
- ▶ provides that violating the smoking prohibition is an infraction and has a maximum fine of \$45;
- ▶ provides that a court may suspend the fine for a violation if the person proves that the person has enrolled in smoking cessation program; and
- ▶ provides that enforcement of the smoking prohibition shall be only as a secondary action.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

41-6a-1716, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **41-6a-1716** is enacted to read:

41-6a-1716. Smoking in vehicle prohibited when child is present -- Penalty --

Enforcement.

(1) As used in this section, "smoking" has the same meaning as defined in Section

33 26-38-2.

34 (2) Smoking is prohibited in a motor vehicle if a child who is less than five years of
35 age is restrained or is required to be restrained in a child restraint device in the vehicle in
36 accordance with Section 41-6a-1803.

37 (3) A person who violates this section is guilty of an infraction and is subject to a
38 maximum fine of \$45.

39 (4) The court may suspend the fine for a violation of this section if:

40 (a) the person has not previously been convicted of a violation of this section; and

41 (b) the person proves to the court that the person has enrolled in a smoking cessation
42 program.

43 (5) Enforcement of this section by a state or local law enforcement officer shall be only
44 as a secondary action when the vehicle has been detained for a suspected violation by any
45 person in the vehicle of Title 41, Motor Vehicles, other than this section, or for another offense.